

REMARKS

The Office Action of March 23, 2006 has been carefully considered. Reconsideration of this application is respectfully requested.

Claims 11 – 17 have been amended to replace the term “cable” with the term “line” in order to clarify the invention to which the claims are directed. Support for such an amendment is found, for example, at page 6, lines 19-25. Applicants respectfully make amendments solely to clarify the nature of the invention, using the term “line” to represent a “member that can be wound around a pulley and can provide a lifting force to a load” as expressly stated at p. 6, lines 21-22.

Turning now to the office action, the prior rejection of claims 1, 2, 6, 8, 10, 11, 14 and 15, rejected under 35 U.S.C. §102(e) in view of Keith (6,634,621) has been withdrawn. Applicants acknowledge the Examiner’s indication that claims 1-5, 7, 9 and 10 are allowed, and that claims 12, 13, 16 and are objected to as being based upon a rejected base claim, but are otherwise allowable.

Rejection under 35 U.S.C. §102(b) in view of Anderson et al., US Patent 5,370,237 (Anderson)

Claims 11, 14 and 15 were rejected under 35 U.S.C. §102(b) in view of Anderson et al. (5,370,237). The rejection under 35 U.S.C. §102(e) is respectfully traversed in view of the amendments presented above and the following arguments, arguments that specifically indicate the failure of Anderson to generally teach the invention as a whole. or to teach or suggest several limitations of the claims. Anderson is directed to “...automated manufacturing, and more particularly, the automated manufacturing of cable assemblies.” (col. 1, lines 17-19). The rejection states, in its entirety, that “Anderson et al discloses monitoring the slack condition and monitoring the length (end) of cable.” Applicants respectfully submit that the Office Action fails to set forth adequate basis for the rejection to which they can or must respond. As set forth under 37 CFR 1.104(c)(2), the Examiner bears the burden of making a *prima facie* showing in support of a rejection, and “[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim

specified.” Applicants note that Anderson is a patent having more than 100 pages including 70 drawing sheets, yet the Examiner failed to indicate where Anderson is alleged to teach the claim elements it was asserted to anticipate. As the Examiner failed to indicate where the various limitations are alleged to be found in Anderson, Applicants respectfully contend that Anderson has not been demonstrated to anticipate the limitations or claims 11, 14 or 15, and that such claims are, therefore, in condition for allowance.

Although the rejection fails to set forth the portions relied upon in Anderson, Applicants submit the following remarks in traversal of the rejection, and reserve the right to provide further amendments and arguments in the event the rejection is maintained.

Anderson states, at col. 1, line 58 – col. 2, lines 14, that “[t]he present invention automatically attaches multi-contact connectors to both ends of a multi-conductor cable to create a cable assembly. The multi-conductor cable is automatically unreeled from large spools provided by the cable manufacturer. A multi-contact connector is attached to a first end of the cable by automatically receiving the end of the cable, sheathing the end of the cable, identifying each conductor, and attaching each conductor to the appropriate contact of the multi-contact connector. After attaching the first connector, the appropriate length of cable is unreeled from the spool and captured by a take-up reel. The cable is cut from the spool so that the cut end of the cable can automatically have a connector attached. The cut end of the cable is attached to a second connector in a fashion similar to that which was used to attach the first connector to the other end of the cable. The resulting wound and connectorized cable is automatically tied to preserve the wound configuration, and it is dropped on a conveyor belt that delivers the completed assembly to a desired location. Additionally, a robotic system removes connectors from a shipping box and places them in a known position at the automatic connectorization stations.” *(emphasis added)*

Anderson does use the term “sensor” in several locations, and does suggest sensing a cut end of the electrical cable (e.g., col. 4, lines 64-69). Anderson, while teaching a cable slack takeup mechanism 104, does not appear to teach or suggest a sensor employed to detect slack in a line. Nor does Anderson describe a line wound on a lift

pulley as set forth in the independent claims, let alone a line providing a lifting force to a load, as that term has been used in the instant application.

Applicants respectfully urge that the present application is clear when it states, consistent with the claims, “the present invention is directed to a class of material handling devices called balancers or lifts, which include a motorized lift pulley having a cable or line that wraps around the pulley as the pulley is rotated, and an end-effector that is attached to the end of the cable.” (*Specification p. 1, lines 15-18; emphasis added*). As previously described the rejected independent claims have been amended to use the term “line” to clarify Applicants’ intention and address the Examiner’s apparent confusion with the electrical cable assembly system disclosed in Anderson.

Considering the rejection of amended claim 11, in addition to the arguments presented above, Anderson fails to teach or suggest a slack sensor as expressly recited in claim 11. Anderson further fails to teach the recited limitation of a signal indicative of the condition of a wound line, including “a slack signal generated by a slack sensor” as recited in claim 11. Accordingly, Applicants respectfully contend that the limitations of claim 11 are unanticipated by Anderson.

Similarly, considering the rejection of Independent claim 14, in addition to the arguments presented above, claim 14 recites monitoring the condition of a line wound on a lift pulley, and monitoring the slack condition of a line with a slack sensor. As discussed previously, Anderson fails to teach or suggest a line on a lift pulley, or a slack sensor associated therewith. Hence Anderson cannot teach monitoring of a signal from such a sensor. Thus, claim 14 is also respectfully urged to be unanticipated by Anderson.

In view of the above arguments in traversal of the rejection, amended independent claims 11 and 14 are respectfully urged to be allowable. Insofar as claims 12, 13, 15, 16 and 17, are concerned, these claims all depend from now presumably allowable amended claims 11 or 14 and are also believed to be in allowable condition for the reasons hereinbefore discussed with regard to claims 11 and 14.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance of the remaining claims are earnestly solicited. In the event that

additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Duane C. Basch', written over a horizontal line.

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